

REMARKS

Examiner has rejected claims 1-5, 9, 10, 11 and 16-19 under 103(a) as being unpatentable over U.S. Pat. No. 6,737,592 to Hoang et al. ("Hoang") in view of U.S. Pat. No. 6,794,592 to Liu et al. ("Liu"). Applicant's attorney and Examiners Klaus and Enad had a telephone interview on April 22, 2009 to discuss the rejection. Applicant's attorney discussed the cover of Liu at length with Examiners Klaus and Enad. Applicant attorney faxed in the amendments contained herein along with a request for a second interview, but such an interview was not able to be arranged, due to the change of supervisory examiners. Examiner is requested to call Applicant's attorney for such an interview to discuss this case upon receipt and consideration of this amendment.

Independent claim 1 recites, inter alia, a flexible outer skin which conformingly covers the top and at least a portion of the underside of a recessed grip and conforms to the recessed grip associated with an actuation projection of an actuation member of an electrical switch.

The Office Action concedes that the primary citation to Hoang does not disclose the switch covered by a flexible outer skin. (Office Action, page 2). Nonetheless, the Office Action rejects independent claim 1, contending that the secondary citation to Liu provides this necessary disclosure. (Office Action, pages 3-4). This contention is respectfully traversed.

Liu relates to a dustproof and waterproof switch and discusses an arrangement including a catch member 4 covered by a covering member 5. (Liu, Col. 2, lines 33-36; Fig. 2). Liu, however, expressly teaches that covering member 5 is formed in the shape of a cap with reduced steps. (Liu, Col. 3, lines 38-40, Fig. 1). The reduced steps are required for flexibility (Liu, Col. 3, lines 53-56). Further, the Liu covering member 5 only covers the top and sides of the catch member 4 (Liu, Figs. 2 and 3). The examiner states in the office action that Liu discloses a cover that "conformingly encloses a top and at least a portion of an underside of the actuation projection". However, the examiner does not specifically point out any portion of Liu that discloses this feature. In fact, the reduced step configuration of the covering member 5 of Liu prevents the covering member 5 from conformingly covering any portion of the underside of the catch member 4. Figures 3 and 4 of Liu both show that the covering member 5 does not extend under either underside the catch member 4 in use. If the cover conformed to the underside the catch member, as required by amended claims 1 and 17, the covering member 5 would be trapped between the catch member 4 and the right or left

stoppers (34, 35) when the catch member 4 was depressed to one side or the other. Further, when the catch member 4 is all the way to one side, the covering member 5 is moved away from under the catch member, as shown in Figures 3 and 4. In this position, which would conform to the “pull” state of the present disclosure, it would not be possible for a user to have their finger tip in the recessed grip, as is required for the operation of the claimed switch. Therefore the combination of Hoang and Lui would render the present switch inoperable.

To more effectively demonstrate the deficiency in Liu, Applicant has superimposed the covering member 5 of Liu over Applicant’s switch. Exhibit 1a shows that placing the Liu covering member over Applicant’s switch yields a cover that does not conform to the underside of the recessed grip as recited in claim 1 of the present application. Exhibit 1b shows that flipping the Liu covering horizontally also yields a cover that does not conform to the underside of the recessed grip. In fact, the Liu covering cannot conform to the underside of Applicant’s recessed grip because of its reduced steps.

Furthermore, in the Exhibit 1a configuration, the Liu reduced steps place the outer skin too far from the recessed grip for a user to reach underneath the recessed grip as noted above. In the Exhibit 1b configuration, the Liu reduced steps cause to the outer skin to be too rigid for a user to reach under the recessed grip. A user cannot perform the pull function with a fingertip, as recited in claim 1, if the user cannot reach under the recessed grip. Therefore, the combination of Hoang in view of Liu results in a non-functional push-pull switch because the users would not be able to get and/or keep their fingertip in the recessed grip. As the Federal Circuit noted in *McGinley v.*

Franklin Sports Inc., 262 F.3d 1339, 60 USPQ2d 1001, 1010 (Fed. Cir. 2001) “as a ‘useful general rule,’ that references that teach away cannot serve to create a prima facie case of obviousness. *In re Gurley*, 27 F.3d 551, 553, 31 USPQ2d 1130 (Fed. Cir. 1994). If references taken in combination would produce a ‘seemingly inoperative device,’ we have held that such references teach away from the combination and thus cannot serve as predicates for a prima facie case of obviousness. *In re Spinnoble*, 405 F.2d 578, 587, 160 USPQ 237, 244, 56 C.C.P.A. 823 (1969) (references teach away from combination if combination produces seemingly inoperative device); *see also In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984) (inoperable modification teaches away).”

Independent claims 17 and 18 as amended recite, inter alia, a flexible outer skin which conformingly covers the top and at least a portion of the underside of a recessed grip associated with an actuation projection of an actuation member of an electrical switch. For the reasons above, the combination of Hoang and Liu does not disclose every feature of independent claims 17 and 18. Therefore claims 17 and 18 should be allowable.

The remaining claims depend from the independent claims discussed supra. Therefore the remaining claims should also be allowable.

Applicant respectfully requests Examiner pass this application to allowance.

Respectfully submitted,



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